

REMARKS

Claims 18–22, 32, and 34–36 were pending. Claim 32 is cancelled. Claims 18–22 and 34–36 remain pending.

Objections to the Claims

Claim 32 was objected to as being of improper dependent form. Claim 32 is cancelled obviating this rejection.

Rejections of the Claims

Claims 18–22 and 34–36 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,687,234 to Shaffer et al. (“Shaffer”) in view of U.S. Pre-Grant Publication 2002/0016729 to Breitenbach et al. (“Breitenbach”). Reconsideration and withdrawal of this rejection is requested in view of the following remarks, which address only independent claims 18 and 34.

A *prima facie* obviousness rejection based on a combination of references requires: (1) suggestion or motivation to combine the references, (2) reasonable expectation of success in making the combination, and (3) that the combination of teach each element of the claim. *See* MPEP § 2143. The rejection of claims 18–22 and 34–36 based on the combination of Breitenbach and Schaffer fails to meet at least two of these requirements. First, the proposed combination does not teach each element of the claim. Second, there is no suggestion or motivation to combine the references.

Claim 18 is drawn to a network server that comprises three elements: (1) a network management system, (2) a gatekeeper, and (3) a resource scheduler. Claim 34 is drawn to a network server comprising: (1) a gatekeeper and (2) a resource scheduler. Further limitations on each of these items are described in the claims, but are not relevant to the arguments presented herein. Examiner identifies server 112a in Fig. 2 of Shaffer as the required server. Examiner identifies the network management system as multipoint control unit coordinator (“MCUC”) 105a, which is part of MCU 104a, both also shown in Fig. 2 of Shaffer. Examiner identifies gatekeeper 108a, again in Fig. 2 of Shaffer as the required gatekeeper. Finally, Examiner identifies MCUC 105a as the required resource scheduler.

None of the identified elements of Shaffer, *i.e.*, gatekeeper 108a, MCUC 105a, are part of server 112a. However, the plain, unambiguous language of the claim clearly requires that each

of these elements be part of the server. Even assuming: (1) that each of these elements of Shaffer meets the other requirements of the claims and (2) that these elements can be arranged to be part of server 112a, this is still insufficient as a *prima facie* obviousness rejection without some teaching in the art to make the changes. *Ex parte Chicago Rawhide Mfg. Co.*, 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984) (“The mere fact that a worker in the art could rearrange the parts ... to meet the terms of the claims ... is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason ... to make the necessary changes....”). Examiner has made no attempt to show, from either of the cited references, motivation to make the required rearrangement, or even that the rearrangement is possible. Therefore, the rejection of these claims under § 103(a) in view of the cited references is inappropriate. Reconsideration and withdrawal of the rejections is therefore requested.

Furthermore, Examiner has failed to show suggestion or motivation to combine the references. Shaffer, like the claimed invention, relates to the field of video conferencing. On the other hand, Breitenbach appears to relate to computer software for coordinating the scheduling and planning of various large events. Examiner proposes Breitenbach to supply the limitations he concedes are missing from Shaffer relating to the required resource scheduler. Without addressing whether or not Breitenbach supplies the missing limitations, Examiner has made no attempt to show that one working in the video conferencing arts would look to the party planning arts for solutions to the problem of network resource optimization. Because there has been no showing of motivation to combine the references, the rejection of these claims under § 103(a) in view of the combination is inappropriate. Reconsideration and withdrawal of the rejections is therefore requested.

In view of the foregoing remarks, it is believed that all claims are in condition for allowance, notice of which is requested.

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Respectfully submitted,

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Date

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